

FILED 20 JUN 3 9 19 USDC-ORM

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Oregon

United States of America

v.

ANDREW MYLES DEVOS

Case No.

1:20-mj-00123-CL

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 8, 2020 in the county of Klamath in the
 District of Oregon, the defendant(s) violated:*Code Section*18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(c)
21 U.S.C. § 841(a)(1)(A)*Offense Description*Felon in Possession of Firearm or Ammunition
Possession of a Firearm in Furtherance of a Drug Trafficking Crime
Possession with Intent to Distribute, or Distribution of a Controlled Substance

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

S/Samuel Suyehira

Complainant's signature

Samuel Suyehira, Special Agent

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 41 by
telephone at 9 a.m./p.m.Date: 6/3/20City and state: Medford, Oregon

MARK D. CLARKE, United States Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF SAMUEL W. SUYEHIRA

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Samuel W. Suyehira, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been since December 2016. I am currently assigned to the Eugene, Oregon Field Office, and I investigate violations of Federal laws, including but not limited to firearms trafficking, narcotics trafficking, the commission of violent crimes, and conspiracy.

2. I obtained a Bachelor of Arts degree from the College of Idaho in Caldwell, Idaho, in Chemistry. I completed the Federal Law Enforcement Training Center Criminal Investigators Training Program, and the ATF National Academy Special Agent Basic Training Program. During this time, I received instruction relating to the investigation of Federal firearms and narcotics violations. Prior to joining ATF, I was a Criminalist for the Canyon County Sheriff's Office Forensic Science unit in Canyon County, Idaho.

3. I submit this affidavit in support of a criminal complaint and arrest warrant for Andrew Myles DEVOS (DOB: XX/XX/1981) for: Felon in Possession of a Firearm or Ammunition, in violation of Title 18, United States Code, Section 922(g)(1); Possession of a Firearm in furtherance of a Drug Trafficking Crime, in violation of Title 18, United States Code, Section 924(c); and Possession with Intent to Distribute, or Distribution of a Controlled Substance, to wit: methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1)(A).

4. As set forth below, there is probable cause to believe, and I do believe, that Andrew Myles DEVOS (hereinafter "DEVOS") committed Felon in Possession of a Firearm or

Ammunition; Possession of a Firearm in furtherance of a Drug Trafficking Crime; and Possession with Intent to Distribute, or Distribution of a Controlled Substance, to wit: methamphetamine.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on: (a) my personal participation in this investigation; (b) information provided to me by other law enforcement officers; (c) my review of criminal history records maintained by various law enforcement agencies; and (d) information gained through my training and experience.

Applicable Law

6. As a result of my training and experience as an ATF Special Agent, I am familiar with Federal criminal laws and am aware of the following statutes:

- **18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm or Ammunition:** It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- **18 U.S.C. § 924(c) - Possession of a Firearm in Furtherance of a Drug Trafficking Crime** – Except to the extent that a greater minimum sentence is otherwise provide by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm.
- **21 U.S.C. § 841(a)(1)(A) – Distribution, or Possession with Intent to Distribute a Controlled Substance:** It shall be unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.

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Statement of Probable Cause

7. On or about January 8, 2020, a Confidential Informant (hereinafter "CI") at the direction of, and in the presence of, Basin Interagency Narcotics Enforcement Team (BINET) Detectives, contacted DEVOS through DEVOS's known Facebook account and arranged the purchase an "eight ball" of methamphetamine. Based on knowledge, training, and experience, I know "eight ball" to be a street term commonly used by users and distributors of controlled substances to indicate a weight of 1/8th of an ounce of a controlled substance. BINET Detectives further observed the CI and DEVOS arrange to meet at a location in the Klamath Falls, Oregon area to complete the deal.

8. Continuing on or about January 8, 2020, BINET Detectives confirmed through law enforcement databases that DEVOS was the subject of a felony warrant.

9. Continuing on or about January 8, 2020, Klamath Falls Police Department (KFPD) Officers observed DEVOS arrive at the pre-determined meet location while driving a black Volkswagen Jetta (hereinafter "Jetta"). KFPD Officers contacted DEVOS and took DEVOS into custody on his felony warrant. KFPD Officers conducted a search incident to arrest of DEVOS and located \$2,029.00 in United States Currency in DEVOS's pocket. A subsequent search of the vehicle trunk yielded a backpack containing a large amount of suspected methamphetamine; a digital scales; packaging materials; a glass pipe; syringes; a Ruger, Model P95DC, 9mm caliber semi-automatic pistol, containing 14 rounds of 9mm caliber rounds of ammunition; and a 50-round box of 9mm caliber rounds of ammunition.

10. BINET Detectives subsequently utilized narcotics field tests on the suspected methamphetamine seized on January 8, 2020. The suspected methamphetamine field-tested presumptive positive for the presence of methamphetamine.

11. On or about February 28, 2020, the DEA Western Lab completed testing on one of the packages of suspected methamphetamine seized on or about January 8, 2020, and confirmed methamphetamine purity of 96%, or 83.9 grams pure methamphetamine.

12. I subsequently reviewed telephone calls made by DEVOS from the Klamath County Jail to various individuals. At the beginning of each call, an automated prompt stated, "This call is subject to recording and monitoring." I noted the following pertinent statements made by DEVOS:

- On or about January 14, 2020, DEVOS made a telephone call and spoke to who appeared to be an adult male. During the conversation, DEVOS and the male discussed individuals who owed DEVOS money. DEVOS stated, "Sass owes like \$900, so I'll settle for like half or whatever." The male asked DEVOS if DEVOS wished the male to collect debts on behalf of DEVOS, to which DEVOS stated, "Whatever you get bro, I'll split with you." Based on prior narcotics related investigations conducted in the Klamath Falls, Oregon area, I know that "Sass", or "Sassy", is a known nickname for an individual known to local law enforcement in the Klamath Falls, Oregon area as a low to midlevel narcotics trafficker. The male asked DEVOS, "Just Sassy or what?" To which DEVOS stated, "That's the biggest one. That was almost a rack." Based on knowledge, training, and experience, I know that "rack" is a slang term used to indicate

\$1000.00 in United States Currency. Later in the conversation, the male stated, “Devo, what are you doing bro? DEVOS stated, “I was balling out bro. I was unhappy bro and was just trying to get as much cash as I could. I’ve never had a real plug before.” Based on knowledge, training, and experience, I know that ‘plug’ is a term commonly utilized by narcotics traffickers to refer to an individual from whom narcotics traffickers regularly are able to obtain narcotics.

- On or about January 19, 2020, DEVOS made a telephone call and spoke to who appeared to be an adult female. During the conversation, DEVOS discussed a pair of white and black Nike shoes and a grey-colored “Jordan” backpack that DEVOS had in the trunk of the Jetta. DEVOS further stated, “I think the only one (referring to backpacks) in the trunk is the grey Jordan one...That’s where the supposed bad stuff was.” I subsequently reviewed body camera footage from the KFPD Officers who located the suspected methamphetamine in the trunk of the Jetta. I noted a pair of white and black sneakers and a backpack in the trunk, which I attached to this affidavit (Attachment 1).

13. I subsequently consulted an ATF Special Agent trained in making interstate nexus determinations for firearms and ammunition who informed me that Ruger brand pistols are firearms as defined by the Gun Control Act, and are not manufactured in the State of Oregon. Therefore, the firearm DEVOS possessed on or about January 8, 2020 traveled in or affected interstate or foreign commerce.

14. I subsequently reviewed DEVOS’s NCIC criminal history, which appeared to show at least the following felony convictions:

- On or about October 17, 2017, Klamath County Circuit Court, Burglary in the First Degree, Docket #17CR65307, subject to 16-18 months in prison.

Conclusion

15. Based on the foregoing, I have probable cause to believe, and I do believe, that Andrew Myles DEVOS committed Felon in Possession of a Firearm or Ammunition, in violation of 18 U.S.C. § 922(g)(1); Possession of a Firearm in furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c); and Possession with Intent to Distribute, or Distribution of a Controlled Substance, to wit: methamphetamine, in violation of 21 U.S.C. § 841(a)(1)(A).

16. I therefore request that the Court issue a criminal complaint and arrest warrant for Andrew Myles DEVOS.

17. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were reviewed by Assistant United States Attorney (AUSA) Adam Delph and AUSA Delph advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrants.

Request for Sealing

18. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time may endanger the life or physical safety of an individual, cause flight from prosecution, cause destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise

seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

S/Samuel W. Suyehira

Samuel W. Suyehira
ATF Special Agent

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 9

a.m./p.m. on 6/3/20.



MARK D. CLARKE
United States Magistrate Judge